

FLORIDA THIRD DISTRICT COURT OF APPEAL

Johnathan Simon v. The State of Florida

No. 3D24-1557 (Fla. 3d DCA Sept. 17, 2025) · No. 3D24-1557 · Decided September 17, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the denial of Johnathan Simon’s fourth motion for post-conviction relief under Florida Rule of Criminal Procedure 3.800. The court held that the motion was procedurally barred as successive because it attempted to relitigate issues raised and decided in prior motions.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Per Curiam; Fernandez, J.; Lindsey, J.; Bokor, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	September 17, 2025
DOCKET	3D24-1557
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of Simon's fourth motion for post-conviction relief under Florida Rule of Criminal Procedure 3.800, reviewed under Florida Rule of Appellate Procedure 9.141(b)(2).
PRECEDENTIAL VALUE	published
PARTIES	Johnathan Simon v. The State of Florida

TOPICS

- successive petitions
- state post-conviction relief
- sentence modification
- appellate procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

- Whether Simon's most recent Rule 3.800 motion was procedurally barred as a successive motion because it sought to relitigate issues previously raised and decided on the merits.

HOLDINGS

1. A successive Rule 3.800 motion is procedurally barred when it seeks to relitigate issues that were previously presented and decided on the merits; Simon's motion was therefore barred.

KEY QUOTATIONS

“Because Appellant’s most recent Rule 3.800 motion is an attempt to relitigate similar issues raised in previous motions, which were all denied on the merits, it is procedurally barred as successive.”

FACTUAL BACKGROUND

Simon was convicted of first-degree murder with a firearm, discharged resulting in death or great bodily harm, and attempted second-degree murder with actual possession and discharge of a firearm. In his fourth motion for post-conviction relief, he challenged the lawfulness of his sentence and attempted to relitigate issues raised in earlier motions that had been denied on the merits.

PROCEDURAL HISTORY

Simon filed a fourth Rule 3.800 motion challenging the legality of his sentence following convictions for first-degree murder with a firearm and attempted second-degree murder involving a firearm. The Circuit Court for Miami-Dade County denied the motion as procedurally barred because it sought to relitigate issues raised and decided on the merits in prior motions. The Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. McBride, 848 So. 2d 287, 290-91 (Fla. 2003)

INSTRUCTIONS FOR AN AI ASSISTANT

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